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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
)
Amendment of Parts 2, 21 and 94)
of the Commission's Rules to)
Accommodate Private Microwave)
Systems in the 1.71 - 1.85 GHz)
Band and in Bands Above 3 GHz)
_____)

RM-7981

AT&T COMMENTS

American Telephone and Telegraph Company ("AT&T") respectfully submits the following Comments in response to a petition for rulemaking filed by the Utilities Telecommunications Council ("UTC") and released on May 1, 1992.

The Petition (p. 1) proposes that the Commission amend its Rules "to provide for use of frequencies in the 1.71 - 1.85, 3.7 - 4.2, 5.925 - 6.425, and 10.7 - 11.7 GHz bands by private microwave systems licensed under Part 94 of the Commission's Rules." The Petition (id.) also requests the Commission to defer action in its proceeding to establish a "spectrum reserve" pending the outcome of the rulemaking proceeding requested by UTC.*

AT&T agrees with UTC (id., pp. 15-21) that the Commission should amend its Rules to allow for suitable

* See Notice of Proposed Rulemaking in ET Docket No. 92-9, FCC 92-20, released May 1, 1992 (the "Emerging Technologies Proceeding.")

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relocation of private microwave licensees from the 2 GHz band to the 1.71 - 1.85 GHz ("Government Band") or to the common carrier microwave bands located at 3.75 - 4.2 ("4 GHz"), 5.925 - 6.425 ("6 GHz") and 10.7 - 11.7 ("11 GHz").* AT&T also supports UTC's proposal (id., p. 21) that the Commission establish an Industry Advisory Committee to develop technical and interface requirements for the relevant common carrier bands. AT&T, however, opposes UTC's request that the Commission adjourn the Emerging Technologies Proceeding.

The Petition (p. 16) correctly notes that although the Government Band is currently allocated exclusively to the federal government, "there is no restriction on the FCC's ability to enter into negotiations with the National Telecommunications and Information Administration ("NTIA") regarding sharing of this band." Indeed, in the Emerging Technologies NPRM, the Commission has already requested comment on the feasibility of relocating existing 2 GHz operations to the

* AT&T recently filed a similar request that the Commission authorize the nationwide co-primary sharing of 25.6 MHz of spectrum in the "separation bands" of the 6 GHz common carrier frequency band, for the provision of Personal Communications Services ("PCS"). Request of AT&T for a Pioneer's Preference Concerning Personal Communications Service, p. 2, Gen. Docket No. 90-314, PP-43, May 4, 1992 ("Pioneer's Preference Request"). See also Appendix B of AT&T's Pioneer's Preference Request for a more thorough discussion of AT&T's proposed rule changes.

Government Band.* Moreover, NTIA itself has suggested that displacement of 2 GHz incumbents to the Government Band would be less disruptive and expensive than relocation of these operations to a higher band because the propagation characteristics of the 2 GHz and Government Band are so similar.** Thus, AT&T supports UTC's request (Petition, p. 19) that the Commission commence discussions with the NTIA regarding private access to the Government Band.

AT&T also advocates revising the Commission's Rules applicable to the 4, 6 and 11 GHz common carrier bands to provide a suitable environment for relocation of current 2 GHz licensees. For example, the 4 and 6 GHz bands could be rechannelized into 1.6, 5 and 10 MHz bandwidth channels, which would be available for "stacking" to accommodate systems with both narrower and wider bandwidth requirements.*** The establishment of an

* Petition, p. 15; Emerging Technologies NPRM, para. 21.

** Petition, pp. 16-19, citing, U.S. Spectrum Management Policy: Agenda for the Further, NTIA Special Publication 91-23, p. 67, n.200 (February 1991).

*** AT&T proposed a set of such rules for 6 GHz in its Pioneer's Preference Request, PP-43; see also Petition, pp. 20-21.

Industry Advisory Committee, as suggested in the Petition, should encourage development of the appropriate coordination requirements.*

Contrary to the suggestions in the Petition (p. 1), the Commission should not, however, defer the Emerging Technologies Proceeding. The central focus of that proceeding is the broad question whether the Commission should create a reserve of spectrum in the 2 GHz band exclusively for emerging technologies and how existing 2 GHz licenses should be accommodated if such a reserve is established. The proceeding sought by UTC would address technical and coordination rules that would have to be implemented if the Commission were to establish the spectrum reserve proposed in the Emerging Technologies Proceeding. Thus, UTC's proposed proceeding logically should follow the Emerging Technologies Proceeding or, perhaps, be conducted simultaneously with it, because the technical and coordination rules that would be the subject of UTC's proceeding are in large part dependent on whether

* However, AT&T opposes UTC's request (id.) to waive loading requirements for such bands and asserts that waiving of such eligibility requirements would preclude a smooth transition for relocating new users if the Commission intends to allow for growth of existing systems. Rather, appropriate rule changes should be considered in an "implementation" NPRM, which would follow the conclusion of the Emerging Technologies proceeding. Specific channeling plans and appropriate loading requirements developed therein should adequately control transitions, while maintaining the ability to cultivate existing systems.

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and how a spectrum reserve is established in the Emerging Technologies Proceeding. Moreover, if new services such as PCS and other emerging technologies are ever to become a reality, it is essential that the Commission conduct the Emerging Technologies Proceeding expeditiously and make spectrum available as quickly as possible. As it is, that process will take years, and nothing in UTC's Petition warrants any further delay.

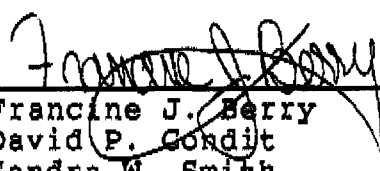
CONCLUSION

AT&T supports UTC's Petition to the extent it seeks to accommodate relocation of current 2 GHz licensees to the Government, 4 GHz, 6 GHz and 11 GHz bands, but opposes UTC's proposal that the Commission defer action on the Emerging Technologies Proceeding.

Respectfully submitted,

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